

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

WRIT DIVISION FOUR

STATE OF MISSOURI EX REL.)	No. ED103976
CHRIS KOSTER,)	
)	
Relator,)	
)	
v.)	Writ of Certiorari
)	Cause No. 1522-CC00702
THE HONORABLE PHILIP HEAGNEY,)	
Circuit Judge, St. Louis City, and)	
)	
THOMAS L. KLOEPPINGER,)	Filed: June 30, 2016
Circuit Clerk, St. Louis City,)	
)	
Respondents.)	

This is an original proceeding in certiorari to review the issuance of a writ of habeas corpus directing George Fisher (Fisher) be released from the custody of the Department of Mental Health (DMH). The habeas court ordered Fisher released after finding his commitment was based on defective pleas of not guilty by reason of mental disease or defect (NGRI) in two separate cases, one originating in Jackson County and the other in Audrain County. The State seeks review of the habeas court's decision by means of a petition for writ of certiorari.

THE RECORD OF THE HABEAS COURT IS QUASHED IN PART AND REFUSED TO QUASH IN PART. REMANDED WITH INSTRUCTIONS.

Writ Division Four Holds: The habeas court abused its discretion by granting relief in the Jackson County case because Fisher was not required to personally sign the notice of his intent to plead NGRI and the habeas court's record with respect to this case is quashed. This Court refuses to quash the record as to the Audrain County case because the notice of NGRI filed on behalf of Fisher in that case lacks the statutorily required language that the defendant has no other defenses, rendering the notice fatal, and the escape rule does not prohibit his writ of habeas corpus. The record of the habeas court granting Fisher's petition for writ of habeas corpus in Jackson County is quashed, and we refuse to quash the record as to the Audrain County case.

Opinion by: Sherri B. Sullivan, P.J. Mary K. Hoff, J., and Robert G. Dowd, Jr., J. concur.

Attorney for Relator: Gregory M. Goodwin
Attorney for Respondent: Margaret Mueller Johnston

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
